

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 431 OF 2007

IN

CRIMINAL APPEAL NO. 363 OF 2007

Gopinath S. Desai .. Applicant
(Accused No.1)

Versus

The State of Maharashtra .. Respondent

Mr.M.K.Kocharekar, Advocate, i/b. Rajeev Sawqnt &
Associates, Advocates for the applicant.

Mrs. M.M.Deshmukh, APP, for the State.

CORAM: J.H.BHATIA, J.

DATE : 26th June, 2007

P.C.

1. Heard Mr. Kocharekar, learned Counsel for the applicant & Mrs. Deshmukh, APP, for the State.

2. The applicant seeks to be released on bail pending his Appeal against the conviction and sentence for the offences punishable under Sections 363, 366A and 376 of I.P.C. and on the first two counts, he was awarded sentence of R.I. for three years and fine of

Rs.1500/- and for the offence under Section 376 of I.P.C., he was sentenced to undergo R.I. for seven years and to pay fine of Rs.1500/- . The applicant is in custody since 8.12.2004 i.e. for the last more than 2-1/2 years.

3. The learned Counsel for the applicant pointed out that the medical evidence does not provide corroboration about the allegation of rape. It will not be necessary, at this stage, to make any comment about the allegation of rape. But at the same time, in view of the medical evidence on record, I find that bail may be granted to the applicant pending appeal.

4. The applicant be released on his executing P.R.Bond of Rs.20,000/- with a surety in the like amount subject to his depositing the fine amount with a condition that he shall not misuse the bail. He shall furnish his residential address to the Charkop Police Station during the period of bail.

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(J.H.BHATIA, J.)